THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION No. 2187 of 2005

Dated: 21-04-2006

Between:

M/s Sri Siva Gouri Enterprises,

Rep., by its Partner Sri G.Mohan Reddy

... PETITONER

AND

The General Manager,

Telecom District, Nellore and two others.

.....RESPONDENTS

THE HON'BLE MS JUSTICE G.ROHINI

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WRIT PETITION No. 2187 of 2005

O R D E R:

This writ petition is filed seeking a declaration that the impugned letter dated 01-10-2004 addressed by the first respondent calling upon the petitioner to pay a sum of Rs.20,00,272/- immediately towards E.P.F. arrears is arbitrary and illegal.

The contention of the petitioner was that statutory enquiry under Section 7-A of the Employees' Proident Funds and Miscellaneous Provisions Act, 1952, (for short, 'the Act') was still pending before the third respondent and therefore without determining the liability, the first respondent was not justified in calling upon the petitioner to pay a sum of Rs.20,00,272/-.

This Court, while directing Notice Before Admission by order dated 10-02-2005, pending the enquiry initiated by the third respondent, the respondents 1 and 2 are directed not take any coercive steps against the petitioner in pursuance of the impugned proceedings.

The learned counsel for the respondents across the bar submits that having completed the enquiry under Section 7-A of the Act, the third respondent has passed an order on 13-07-2005 in which it was determined that the petitioner is liable to pay a sum of Rs.37,637/- and that as a matter of fact the petitioner has already paid the said amount and accordingly full satisfaction has been recorded by the first respondent.

In the circumstances, nothing remains for consideration on merits.

However, the learned counsel for the petitioner submits that the petitioner is entitled for refund of certain amounts, which the respondents failed to pay.

The petitioner is granted liberty to make appropriate representation before the respondents 1 and 2 for refund of the amounts to which it is entitled to, in which event the respondents may consider the same and pass appropriate orders in accordance with law.

The writ petition is accordingly disposed of. No costs.

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(G. ROHINI, J)

Dated 21-04-2006

ghn